

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

BLUE SPIKE, LLC	§	Civil Action No. 6:12-CV-499 MHS
<i>Plaintiff,</i>	§	
	§	LEAD CASE
v.	§	
	§	
TEXAS INSTRUMENTS, INC.	§	
<i>Defendants</i>	§	

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BLUE SPIKE, LLC,	§	Civil Action No. 6:12-CV-576 MHS
<i>Plaintiff,</i>	§	
	§	CONSOLIDATED CASE
v.	§	
	§	
AUDIBLE MAGIC CORPORATION,	§	
FACEBOOK, INC., MYSPACE, LLC,	§	
SPECIFIC MEDIA, LLC,	§	
PHOTOBUCKET.COM, INC.,	§	
DAILYMOTION, INC.,	§	
DAILYMOTION S.A., SOUNDCLOUD,	§	
INC., SOUNDCLOUD LTD., MYXER,	§	
INC., QLIPSO, INC., QLIPSO MEDIA	§	
NETWORKS LTD., YAP.TV, INC.,	§	
GOMISO, INC., IMESH, INC.,	§	
METACAFE, INC., BOODABEE	§	
TECHNOLOGIES, INC., TUNECORE,	§	
INC., ZEDGE HOLDINGS, INC.,	§	
BRIGHTCOVE INC.,	§	
COINCIDENT.TV, INC., ACCEDO	§	
BROADBAND NORTH AMERICA,	§	
INC., ACCEDO BROADBAND AB,	§	
AND MEDIAFIRE, LLC	§	
<i>Defendants.</i>	§	

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**DEFENDANT AUDIBLE MAGIC CORPORATION'S UNOPPOSED MOTION**  
**FOR HEARING ON ITS MOTION TO COMPEL THE PRODUCTION OF**  
**DOCUMENTS BY BLUE SPIKE LLC, BLUE SPIKE INC. AND SCOTT MOSKOWITZ**  
**AND RESPONSES TO INTERROGATORIES**  
**AND MOTION FOR SANCTIONS**

Defendant Audible Magic Corporation (“Audible”) files this Unopposed Motion for Hearing on its Motion to Compel the Production of Documents by Blue Spike LLC, Blue Spike Inc., and Scott Moskowitz and Responses to Interrogatories and Motion for Sanctions (Dkt. No. 1617) (hereinafter “Motion to Compel”) and would respectfully show the Court the following:

I.

Audible filed its Motion to Compel on June 26, 2014. Plaintiffs Blue Spike, LLC, Blue Spike Inc. and Scott Moskowitz (“Blue Spike”) filed its Response (Dkt. No. 1655) on July 24, 2014. Thereafter, Audible filed its Reply (Dkt. No. 1660), and Blue Spike filed its Sur-Reply (Dkt. No. 1684). As such, the Motion is fully briefed and is ripe for consideration.

II.

To adequately meet its obligations under the rules and case schedule Audible Magic requires the discovery at issue to prepare its counterclaim case, including the upcoming November 14, 2014 deadline to designate expert witnesses and submit reports on issues for which the party bears the burden of proof. While Blue Spike is opposed to the relief sought in the Motion to Compel, it agrees that an opportunity to present argument on the disputed issues at a hearing in front of the Court would benefit both parties. Blue Spike is, therefore, unopposed to this request for a hearing.

III.

For all these reasons, Audible respectfully requests that the Court set Audible’s Motion to Compel for hearing at the Court’s earliest convenience.

Dated: September 5, 2014

Respectfully submitted,

By: /s/ Eric H. Findlay

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Qlipso, Inc., Qlipso Media Networks, Ltd., Yap.tv, Inc.,

GoMiso, Inc., iMesh, Inc., Metacafe, Inc., Boodabee Technologies, Inc., Zedge Holdings, Inc., Brightcove Inc., Coincident.TV, Inc., Accedo Broadband North America, Inc., Accedo Broadband AB, MediaFire, LLC, WiOffer LLC, and Harmonix Music Systems, Inc.

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). All other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by certified mail, return receipt requested, on this the 5<sup>th</sup> day of September, 2014.

/s/ Eric H. Findlay

Eric H. Findlay